

UNITED STATES DISTRICT COURT  
Northern District of California

JACKSON ET AL,

Plaintiff(s),

No. C 08-02588 MEJ

v.

CITY AND COUNTY OF SAN  
FRANCISCO ET AL,

Defendant(s).

**ORDER VACATING ORDER TO  
SHOW CAUSE**

**BRIEFING & HEARING SCHEDULE  
RE: DEFENDANTS' SUMMARY  
JUDGMENT MOTION**

The Court is in receipt of the Declaration of John Vannucci (Dkt. #30), counsel for Plaintiffs, in response to the Court's June 29, 2009 Order to Show Cause (Dkt. #29.) Upon review of counsel's declaration, the Court is concerned that Mr. Vannucci has omitted facts from his declaration that make the remaining statements appear suspect. For example, Mr. Vannucci states that he did not receive electronic notice when Defendants filed their summary judgment motion, and the first time he learned of the motion was when the Court filed its June 29 Order to Show Cause. However, Mr. Vannucci fails to address the Court's June 17, 2009 order for the parties to file a joint statement of undisputed facts, which explicitly notes that Defendants' motion was pending before the Court. (Dkt. #27.) The Court also notes that Mr. Vannucci references emails from Defendants' counsel regarding a joint statement, including an email sent by Defendants' counsel on June 17 in response to the Court's order, yet Mr. Vannucci omits any mention of the June 17 order.

Given this procedural history, the Court is disinclined to find that Mr. Vannucci has set forth all pertinent facts known to his office in response to the Court's OSC. However, so that this matter may proceed on the merits, the Court hereby VACATES the Order to Show Cause. Plaintiffs shall file an opposition by July 9, 2009, the parties shall file a joint statement of undisputed facts by July 16, 2009, and Defendants shall file any reply by July 23, 2009. The Court shall conduct a hearing

1 on Defendants' summary judgment motion on August 13, 2009 at 10:00 a.m. in Courtroom B.

2 Failure on Plaintiffs' part to comply with this Order may result in the imposition of  
3 sanctions.

4 **IT IS SO ORDERED.**

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6 Dated: July 2, 2009

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9 Maria-Elena James  
10 Chief United States Magistrate Judge  
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